

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-3982

WILLIE DAVIS, JR.;
NATHANIEL BRIDDELL;
JOSEPH GARRISON;
LARRY E. GIBBS;
ROY H. WALTERS,

Appellants

v.

MOUNTAIRE FARMS, INC., a Delaware Corporation;
MOUNTAIRE FARMS OF DELMARVA, INC., a Delaware Corporation;
MOUNTAIRE FARMS DELAWARE, INC., a Delaware Corporation

On Appeal from the United States District Court
for the District of Delaware
(D.C. No. 04-cv-00414)
District Judge: Honorable Kent Jordan

Argued June 15, 2006
Before: FISHER, CHAGARES and REAVLEY,* *Circuit Judges.*

JUDGMENT

This cause came on to be considered on the record from the United States District Court for the District of Delaware and was argued on June 15, 2006.

*The Honorable Thomas M. Reavley, United States Circuit Judge for the Fifth Circuit, sitting by designation.

On consideration whereof, it is now hereby ORDERED and ADJUDGED that the order of the District Court entered June 29, 2005, be and the same is hereby reversed and the case is remanded for further proceedings consistent with this opinion.

Costs taxed against Appellees.

Attest:

/s/ Marcia M. Waldron

DATED: July 19, 2006

Clerk

Certified as a true copy and issued in lieu
of a formal mandate on 8/11/06

Marcia M. Waldron
Teste:
Clerk, U.S. Court of Appeals for the Third Circuit